

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	8:11CR331
Plaintiff,)	
)	
vs.)	ORDER
)	
CLIMET N. BRYE and)	
MAUDE T. HILL,)	
)	
Defendants.)	

This matter is before the court on the motion of defendant Maude T. Hill (Hill) for a continuance of trial and to compel (Filing No. 36). The court held a hearing on the motion on November 28, 2011. Hill was present with her counsel, Michael A. Bianchi and David W. Tighe. The United States was represented by Assistant U.S. Attorney John E. Higgins. Following presentations from counsel, the court finds the motion to compel should be granted. Upon further inquiry, the court finds Hill's motion for a trial continuance should be granted as to both defendants. Hill acknowledged the additional time needed for her motion would be excluded under the calculations under the Speedy Trial Act.

IT IS ORDERED:

1. Hill's motion to compel (Filing No. 36) is granted.

2. Hill's motion for a continuance of trial (Filing No. 36) is granted as to both defendants. Trial of this matter will commence before Judge Laurie Smith Camp and a jury **on February 21, 2012.**

3. The ends of justice have been served by granting such motion to continue and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between November 28, 2011, and February 21, 2012**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 29th day of November, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge